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FCN treaty. URDES 63 JAN 2. DEPT disturbed by apparent supposition treaty anywise predicated on or influenced by 1924 Act, and questions Mission's explanation relation between treaty and that Act. Treaty is standard draft developed for GEN use without any REF to JAP. As supreme law of land, treaty ESTABS rights which prevail over existing STATS, and therefore calculated correct in equalities of treatment such as JAP may visualize. JAP treaty rights WLD be independent of JAP eligibility naturalization. 1924 Act therefore irrelevant to treaty, except possibly (1) limited reservation State land laws permits distinctions based on eligibility of aliens, but here JAP free through retaliation proviso assure equalization at all times, and (2) immigration proviso ART II PARA 1(b) of course permits each country regulate IMMIG generally. DEPT'S intent and desire is treaty based squarely on principles equality and fair-dealing, and fully effective regardless fate of 1924 Act (which, however, see s likely/~~expected~~ taken up this SESS CONG). Every care SHLD be taken correct any misapprehensions DEPT'S purposes.

Dist. Desired (Offices Only)

ACHESON

DEPARTMENT OF STATE
L/T
JAN 17 1952
TREATY BRANCH
OFFICE OF THE LEGAL ADVISER

Drafted by: EDT:CP:HWalker:mmp 1/14/52

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Clearances:
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NA

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